

AN ACT

relating to the delegation of matters to the executive director of the Texas Commission on Environmental Quality.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 5.122(a), Water Code, is amended to read as follows:

(a) The commission by rule or order may delegate to the executive director the commission's authority to act on an application or other request to issue, renew, reopen, transfer, amend, extend, withdraw, revoke, terminate, or modify a permit, license, certificate, registration, or other authorization or approval if:

(1) required notice of the application or request for the authorization or approval has been given;

(2) the holder of or applicant for the authorization or approval agrees in writing to the action to be taken by the executive director; and

(3) the application or request:

(A) is uncontested and does not require an evidentiary hearing; ~~or~~

(B) has become uncontested before parties are named because each person who requested a contested case hearing within the time allowed by law has:

(i) withdrawn the request for a contested

1 case hearing without condition;

2 (ii) withdrawn the request for a contested
3 case hearing conditioned only on the withdrawal of all other
4 hearing requests; or

5 (iii) agreed in writing to allow the
6 executive director to make a final decision on the matter; or

7 (C) has become uncontested because all parties
8 have agreed in writing to the action to be taken by the executive
9 director.

10 SECTION 2. Section 5.351, Water Code, is amended by adding
11 Subsection (c) to read as follows:

12 (c) Notwithstanding Subsection (b), a person affected by a
13 ruling, order, or decision on a matter delegated to the executive
14 director under Section 5.122 or other law may, after exhausting any
15 administrative remedies, file a petition to review, set aside,
16 modify, or suspend the ruling, order, or decision not later than the
17 30th day after:

18 (1) the effective date of the ruling, order, or
19 decision; or

20 (2) if the executive director's ruling, order, or
21 decision is appealed to the commission as authorized by Section
22 5.122(b) or other law, the earlier of:

23 (A) the date the commission denies the appeal; or

24 (B) the date the appeal is overruled by operation
25 of law in accordance with commission rules.

26 SECTION 3. The changes in law made by this Act apply only to
27 a final decision made by the executive director of the Texas

1 Commission on Environmental Quality under Section 5.122, Water
2 Code, as amended by this Act, on or after the effective date of this
3 Act. A final decision made by the executive director before the
4 effective date of this Act is governed by the law in effect at the
5 time the final decision was made, and the former law is continued in
6 effect for that purpose.

7 SECTION 4. This Act takes effect September 1, 2017.

President of the Senate

Speaker of the House

I certify that H.B. No. 3177 was passed by the House on May 4, 2017, by the following vote: Yeas 143, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3177 on May 21, 2017, by the following vote: Yeas 136, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3177 was passed by the Senate, with amendments, on May 19, 2017, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor